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09400HB0824ham001

LRB094 05556 RLC 41973 a

1 AMENDMENT TO HOUSE BILL 824

2 AMENDMENT NO. _____. Amend House Bill 824 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Criminal Code of 1961 is amended by
5 changing Section 24-6 as follows:

6 (720 ILCS 5/24-6) (from Ch. 38, par. 24-6)

7 Sec. 24-6. Confiscation and disposition of weapons.

8 (a) Upon conviction of an offense in which a weapon was
9 used or possessed by the offender, any weapon seized shall be
10 confiscated by the trial court.

11 (b) Any stolen weapon so confiscated, when no longer needed
12 for evidentiary purposes, shall be returned to the person
13 entitled to possession, if known. After the disposition of a
14 criminal case or in any criminal case where a final judgment in
15 the case was not entered due to the death of the defendant, and
16 when a confiscated weapon is no longer needed for evidentiary
17 purposes, and when in due course no legitimate claim has been
18 made for the weapon, the court may transfer the weapon to the
19 sheriff of the county who may proceed to destroy it, or may in
20 its discretion order the weapon preserved as property of the
21 governmental body whose police agency seized the weapon, or may
22 in its discretion order the weapon to be transferred to the
23 Department of State Police for use by the crime laboratory
24 system, for training purposes, or for any other application as

1 deemed appropriate by the Department. If, after the disposition
2 of a criminal case, a need still exists for the use of the
3 confiscated weapon for evidentiary purposes, the court may
4 transfer the weapon to the custody of the State Department of
5 Corrections for preservation. Except as otherwise provided in
6 subsection (b-1), the ~~The~~ court may not order the transfer of
7 the weapon to any private individual or private organization
8 other than to return a stolen weapon to its rightful owner.

9 (b-1) When the defendant is found to be not guilty or the
10 charges are dismissed, the court shall issue an order signed by
11 the judge directing that the firearm be returned to the
12 defendant during the court's normal business hours not less
13 than 7 days after the dismissal or acquittal upon the
14 defendant's presentation to the court of a currently valid
15 Firearm Owner's Identification Card issued in the defendant's
16 name by the Department of State Police. If the firearm is not
17 returned within 7 days after defendant's presentation to the
18 court of a currently valid Firearm Owner's Identification Card
19 issued in the defendant's name by the Department of State
20 Police, the defendant may seek a writ of replevin and is
21 entitled to attorney's fees and treble damages.

22 (b-2) The provisions of this Section shall not apply to
23 violations of the Fish and Aquatic Life Code or the Wildlife
24 Code. Confiscation of weapons for Fish and Aquatic Life Code
25 and Wildlife Code violations shall be only as provided in those
26 Codes.

27 (c) Any mental hospital that admits a person as an
28 inpatient pursuant to any of the provisions of the Mental
29 Health and Developmental Disabilities Code shall confiscate
30 any firearms in the possession of that person at the time of
31 admission, or at any time the firearms are discovered in the
32 person's possession during the course of hospitalization. The
33 hospital shall, as soon as possible following confiscation,
34 transfer custody of the firearms to the appropriate law

1 enforcement agency. The hospital shall give written notice to
2 the person from whom the firearm was confiscated of the
3 identity and address of the law enforcement agency to which it
4 has given the firearm.

5 The law enforcement agency shall maintain possession of any
6 firearm it obtains pursuant to this subsection for a minimum of
7 90 days. Thereafter, the firearm may be disposed of pursuant to
8 the provisions of subsection (b) of this Section.

9 (Source: P.A. 91-696, eff. 4-13-00.)

10 Section 99. Effective date. This Act takes effect upon
11 becoming law."